



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

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Dennis H. Treacy  
Director

(804) 698-4000  
1-800-592-5482

### MINUTES

STATE WATER CONTROL BOARD  
September 19, 2000 - House Room D  
General Assembly Building  
Richmond, Virginia

#### Board Members Present:

Hunter E. Craig, Chairman  
H. Preston Futrell, Jr.  
Thomas V. Van Auken

Karl F. Wenger  
Lance W. High

#### Board Members Absent:

James V. Couch, Vice-Chairman

#### Staff Present:

Dennis H. Treacy, Director  
Department of Environmental Quality

Cindy M. Berndt  
Department of Environmental Quality

#### Attorney General's Office:

Deborah Love Feild, Assistant Attorney General

- 1) The attached minutes summarize activities which took place at this Board Meeting.
- 2) The meeting was convened at 9:20 a.m. on Tuesday, September 19, 2000 and adjourned at 1:15 p.m.



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 1 - Minutes

The Board approved the Minutes from the June 27 and July 12, 2000 meetings.

  
Cindy M. Berndt



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 2 - Virginia Pollution Abatement (VPA) General Permit Regulation for Poultry Waste Management, 9 VAC 25-630-10 et seq.

The Board had been provided a revised draft regulation and a memorandum summarizing the public comments and providing staff responses prior to the meeting. Richard Ayers gave a brief presentation of the significant changes incorporated into the revision and answered questions from Board members. Director Treacy expressed DEQ's appreciation for the cooperation in reaching a compromise on the issues surrounding this regulation from persons outside of the agency.

#### Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the VPA General Permit Regulation for Poultry Waste Management, 9 VAC 25-630-10 et seq., as presented. Pursuant to the Administrative Process Act, the Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision of this regulation.

  
Larry G. Lawson, P.E.  
Director, Water Program Coordination



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### EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

**MINUTE NO. 3 - 9 VAC 25-110-10 et seq. General Virginia  
Pollutant Discharge Elimination System  
(VPDES) Permit Regulation for Domestic  
Sewage Discharges of Less Than or Equal To  
1,000 Gallons Per Day**

Lily Choi recommended that the Board authorize the staff to public notice and hold public hearings for the proposed regulation that was presented in their meeting package.

#### **Board Decision**

The Board voted unanimously to authorize the staff to public notice and hold public hearings for the proposed General VPDES Permit Regulation for Domestic Sewage Discharges of Less Than or Equal To 1,000 Gallons Per Day.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.

Director

Division of Water Program Coordination





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

**MINUTE NO. 4 -** 9 VAC 25-115-10 et seq., General Virginia Pollutant Discharge  
Elimination System (VPDES) Permit Regulation for Seafood  
Processing Facilities

The staff presented a draft regulation amendment to reissue the Seafood Processing Facility General Permit and recommended that the Board authorize public hearings for the proposed draft.

#### **Board Decision**

The Board voted to authorize public hearings for the amendment of the General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Seafood Processing Facilities, 9 VAC 25-115-10 et seq.

A handwritten signature in blue ink, reading "Larry G. Lawson".

Larry G. Lawson, P.E.  
Director, Water Division



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John Paul Woodley, Jr.  
Secretary of Natural Resources

Francis L. Daniel  
Tidewater Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 5 - Davis Boat Works, Inc., and Tidewater Equipment Corporation, Inc.

David S. Gussman, Senior Enforcement Specialist in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning two Consent Special Orders with civil charges.

Davis Boat Works is subject to an individual VPDES permit that requires the Company to comply with Best Management Practices (BMPs) and a Stormwater Pollution Prevention Plan (SWPPP). The permit requires the facility to sample stormwater on a quarterly basis and submit quarterly discharge monitoring reports (DMRs). Other permit requirements include: the submittal of annual solids handling and disposal reports; the submittal of BMP compliance inspection reports; and compliance with a toxicity management program (TMP).

Davis Boat Works failed to submit or submitted late numerous DMRs and other reports during 1999 and 2000. The proposed Order requires Davis Boat Works to make up the TMP tests that were never performed, to comply with all the provisions of their BMPs, SWPPP, and permit and to pay a \$2,100 civil charge.

Tidewater Equipment operates a shipbuilding and repair facility that is subject to a September, 1998 consent order. The 1998 order required the facility to pay a \$5,000 civil charge, obtain a VPDES permit and comply with the requirements of the permit. The facility had been operating without a permit. A VPDES Permit was issued to Tidewater Equipment on June 17, 1998 that requires the Company to comply with 28 Best Management Practices (BMPs) and submit compliance reports to DEQ on a quarterly basis. A March 28, 2000 inspection of the facility found that no compliance records were kept for January, February, and March of 2000.

The proposed Order requires Tidewater Equipment Corporation to comply with all the requirements of their permit and to complete an evaluation of their stormwater pollution prevention plan required by the permit. The Order also includes a \$4,200 civil charge.

**Board Decision**

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Orders for Davis Boat Works, Inc. and the Tidewater Equipment Corporation, Inc.;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.



---

**Francis L. Daniel**  
**Director, Tidewater Regional Office**





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 6 - COMMONWEALTH CHESAPEAKE COMPANY, L.L.C. (CCC)

Virginia P. Newton, Ground Water Permit Manager, in the Department of Environmental Quality's Tidewater Regional Office presented a proposed ground water withdrawal permit for CCC. CCC applied for a ground water withdrawal permit for the withdrawal of 10.8 million gallons per month and 61.4 million gallons per year. This application is for the water to supply a nominal 312 megawatt peaker power plant near New Church, Va, in Accomack County, utilizing seven oil-fired turbines. The water is to be used to control nitrogen oxide, or NOx, air emissions, cooling tower makeup water, miscellaneous building and plant uses, and fire protection.

Analysis of the ground water flow model results, shows that in the shallow Columbia aquifer 1-foot drawdown may occur as far as a radius of 3,250 feet centered on pumping well P1. Simulations predicting the impacts from this withdrawal do not indicate any alteration to the regional flow patterns or adverse impacts to water quality. The withdrawal requested by CCC satisfies the technical evaluation criteria for permit issuance; therefore, a draft permit was developed.

As significant public interest was demonstrated when the draft permit was public noticed, the Regional Director authorized the convening of a Public Hearing concerning its issuance.

Staff Comments: The ground water withdrawal application and permit meet all technical and administrative regulatory requirements for issuance.

#### BOARD DECISION:

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve permit to withdraw a total of 61,400,000 gallons per year of ground water from their wells with the addition of Special Conditions 11 and 12 to the draft permit.
2. Direct Commonwealth Chesapeake Power Station, Commonwealth Chesapeake Company, L.L.C. to adhere to the conditions of the permit.

  
**Francis L. Daniel**  
Director, Tidewater Regional Office





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Dennis H. Treacy  
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Gerard Seeley, Jr.  
Piedmont Regional Director

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 7 - Consent Special Orders without Penalty Settlements

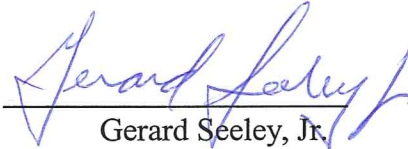
Mr. Rick Weeks, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order settlement for the Chesterfield County School Board (Thomas Dale West School).

The proposed Order for the Chesterfield County School Board allows the Thomas Dale West School sewage treatment plant until January 1, 2003, to connect to the County public sewer service or to complete an upgrade of the facility to meet its VPDES permit effluent limits. The Order also requires the School Board to submit closure plans of the facility prior to the connection. The Order provides for an ammonia interim effluent limit for the school until connection is completed or the plant is upgraded.

#### Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Order for Chesterfield County School Board (Thomas Dale West School);
2. authorize the Director or his designee to sign the Order on its behalf; and
3. authorize the Director or his designee to refer any violation of this Order to the Attorney General's Office for appropriate legal action.

  
Gerard Seeley, Jr.  
Regional Director



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 8 - Consent Special Orders with Penalty Settlements

Mr. Rick Weeks, Piedmont Regional Office, made the staff presentation concerning the proposed Consent Special Order settlement for the South Anna Service Corporation. The Order addresses ammonia violations from a wastewater treatment lagoon serving the Hanover County Club Hills subdivision. The facility had several ammonia limit violations going back to March 1999. In addition, the facility was cited for failure to address maintenance issues. Also, the Board was informed that two public comments were received, one made no recommendations the other recommended that the Order require compliance with the County noise ordinance, which the staff did not recommend for inclusions. The order was amended on September 18, 2000, after the public comment period to add additional requirements and to increase the civil charge based on problems with the pump stations that occurred after the order was signed.

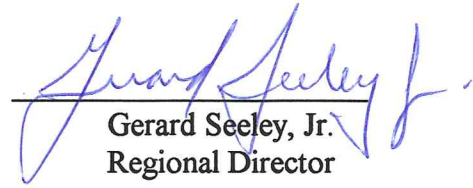
The proposed Order requires South Anna to complete an upgrade of the aeration diffusers within 60 days of approval of the plans and specifications; submit an engineering evaluation of the capacity, reliability, operations and maintenance of the blowers for the treatment lagoon and the two pump stations by December 1, 2000. The Order also requires a plan and schedule for upgrading the wastewater treatment lagoon system to meet ammonia permit effluent limits be provided to DEQ if the facility fails to meet the ammonia permit effluent limits for any three months during the period from December 1, 2000 through November 30, 2001. The Order requires the payment of a \$6,040 civil charge.

#### Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. approve the Consent Special Order for South Anna Service Corporation;
2. authorize the Chief Deputy Director or his designee to sign the Order on its behalf, and

3. authorize the Chief Deputy Director or his designee to refer any violation of the Order to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.  
Regional Director





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**EXCERPT FROM THE PROCEEDINGS OF THE BOARD  
AT IT'S MEETING ON SEPTEMBER 19, 2000**

**MINUTE NO. 9 - Weanack VWP Permit #95-0509 Reissuance**

Mr. Gerry Seeley of the DEQ Piedmont Regional Office made the staff presentation regarding the proposed reissuance of VWP Permit #95-0509, to the Weanack Limited Partnership. The permit, which was originally issued on October 16, 1995, establishes conditions for the construction, dredging and operation of a port facility on the James River in a manner that will protect water quality and beneficial uses of the River.

Mr. Seeley advised the Board that a public hearing had been held on the subject permit in Charles City County on August 31, 2000. Mr. Van Auken was the Hearing Officer. Approximately forty people attended the hearing, with eleven making presentations. Two people spoke in favor of the permit, and nine people spoke in opposition. The public comment period closed on Friday, September 15, and written comments were received from 173 individuals. A summary of comments and issues was provided to Board members. Mr. Seeley narrated a PowerPoint presentation that reviewed the history of the permit, the permit provisions, a summary of the issues raised in public comments, and staff responses to those issues.

The draft permit was sent to local agencies and state agencies with a potential interest. No comments were received from local agencies, the Department of Game and Inland Fisheries or the Marine Resources Commission. The Virginia Department of Agriculture commented that no adverse impacts were anticipated. The Health Department requested that the permit be modified to require notification of the appropriate Health Department office in the event of a spill. The Department of Conservation and Recreation recommended that the National Fish and Wildlife Service be contacted regarding possible effects on nesting bald eagles in the area. This contact was made, and the response was that eagle nesting areas were outside a ¼ mile radius of the port facility, and therefore should not be a problem.



The following issues were evaluated by the staff as a result of comments received:

**Stop out-of-state trash barging** - A number of commenters felt that issuance of this permit was contrary to the new laws passed by the General Assembly regarding trash importation. Some felt that the permit should be denied or modified to prohibit trash importation by barge. The **staff response** to this issue is that this VWP permit focuses primarily on instream construction and dredging associated with the port, not trash barging. Since the port is already built, trash barging could commence with or without this VWP permit. The staff felt that the VWP permit complies with all applicable laws and is adequately protective of water quality and instream beneficial uses related to operations at the port facility.

**Trash container design** - Several commenters felt that the permit should specify design criteria for the trash containers carried by barges. There was concern about potential adverse effects in the event of an accident. The **staff response** to this issue is that this permit contains performance standards that require leakproof, enclosed containers to be used, and prohibits the discharge of any materials from the containers. The staff feels that these permit provisions will adequately protect water quality at the port facility. It was also pointed out that there are trash barge regulations being developed by the Waste Board that will address container design as it relates to transport issues.

**Illegal VWP permit** - Some commenters felt that this VWP permit was illegally modified in 1998, and therefore could not be legally reissued now. The **staff response** is that there is no reason to believe that the permit was illegally modified, however, there is a pending court case on this matter. The DEQ position is being defended by the office of the Attorney General.

**Past violations by the permittee** - Some commenters felt that previous violations by the permittee constituted a poor performance record that should warrant denial of this permit reissuance. The **staff response** is that past violations were relatively minor, and that appropriate enforcement action had been taken and a settlement reached. The nature of the violations do not warrant a recommendation for permit denial.

**Dredge spoil disposal** - Some commenters were concerned about the potential for dredge spoil material from the Woodrow Wilson Bridge being placed in Shirley Cove. There was also concern about the lack of an approved wetlands reclamation plan for the disposal area. The **staff response** is that a separate VPA permit is being written to address the upland disposal of dredge spoil from the Woodrow Wilson Bridge at Shirley Plantation. Although there are no current plans to place outside sources of dredge spoil in Shirley Cove, the staff will recommend that the VWP permit be revised to require permit modification before outside dredge materials can be deposited there. The permit requires the development of an approved wetlands reclamation plan in the disposal area.

**Traffic, noise, odor, vermin mosquitoes and disease** - Many commenters were concerned about the potential nuisances and health threats associated with the trash importation operation at Weanack. The **staff response** is that these issues are beyond the scope of the VWP permit regulations. The local nuisance issues are more appropriately addressed by local ordinances.

The Health Department was contacted regarding the potential health threat, and responded that the barging of trash did not expose the public to any greater health risk than already exists from other current trash importation methods.

**Delay issuance** - A number of commenters recommended that the Board delay issuance of the permit until after the new Barge Regulations are promulgated, or at least until the October Board meeting. The **staff response** is that there is no need to wait for the barge regulations since the more stringent rules would apply in the event of any overlap. It was also pointed out that under the new VWP law, the Board must make a decision on permit issuance within 90 days of a public hearing. Waiting until the October Board meeting would cause the permit to expire.

**Reissue for one year only** - It was suggested that this permit reissuance be limited to a period of 1 year, to give time for the completion of the barge regulations, and assure good compliance. The **staff response** is that the permit can be reopened at any time if there is a reason, and that a shortened term is unnecessary.

**Permittee issue** - During the comment period, the permittee requested that the first sentence of Condition I.E.6 be removed from the permit. The sentence reads "All materials and cargo shall be covered during transportation so that no water shall enter or leave the containment vessel". It was pointed out that this provision was intended for trash barges, and was not necessary for other commodities that may be brought to the port. The second sentence of the provision achieves the same intent with respect to trash barges. It reads "Municipal solid and hazardous waste shall be enclosed during transportation and offloading operations in watertight leak-proof containers." The **staff concurred with this request** and will recommend that the permit be revised accordingly.

Following the staff presentation several speakers came before the Board to clarify and summarize their positions. Speaking in favor of the permit were Mr. Charles Carter, the permittee, and his lawyer, Mr. John Lain. Speakers expressing concerns or opposition regarding the permit were Ms. Patricia Jackson, of the James River Association, Mr. Glen Besa of the Sierra Club, Mr. David Bailey, a lawyer representing citizens who oppose the permit, Mr. Sterling Rives, Mr. Jerry Cable, Mr. O.J. Peterson, and Ms. Diana Parker.

A lengthy discussion of the issues followed.

### **Staff Recommendation**

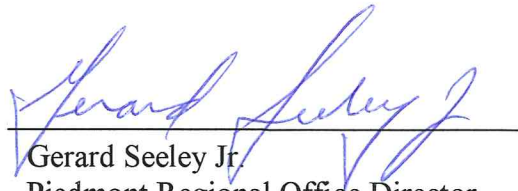
Based on an analysis of the issues, the staff recommended that the Board find that the proposed activity is consistent with the provisions of the Clean Water Act and State Water Control Law, and that instream beneficial uses will be protected, and that the effect of the impact on wetlands, together with other existing or proposed impacts to wetlands, will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.

The staff further recommended that the Board authorize reissuance of VWP Permit #95-0509 for a term of 15 years, with the following changes:

- Add the following sentence to Condition I.C.1 - Dredged material shall not be placed in Shirley Cove from sources other than the Weanack Channel or U.S. Army Corps of Engineers' navigational dredging operations at Turkey Island unless this permit is modified.
- Modify Condition I.E.2 to require notification of the appropriate Virginia Department of Health office in the event of a spill.
- Remove the first sentence of Condition I.E.6.

### **Board Decision**

Mr. Van Auken moved that the Board accept the staff recommendations, and direct the staff to review the Barge Regulations after they are adopted by the Waste Board, and report back to the Board with a recommendation regarding the need to reopen this permit. The motion was seconded by Mr. High and passed unanimously.



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Gerard Seeley Jr.  
Piedmont Regional Office Director



**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL  
BOARD AT ITS MEETING ON SEPTEMBER 19, 2000**

**MINUTE NO. 10 - Consent Special Order Amendments With Civil Charges**

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendations concerning the proposed Consent Special Order Amendments for the Gate City Sanitation Authority and the Town of Chilhowie.

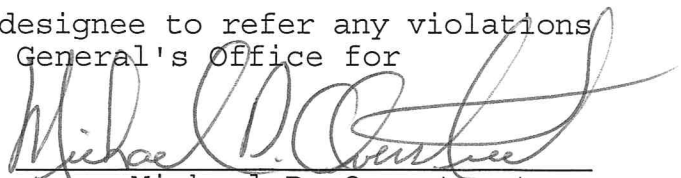
In 1997, the Board issued Consent Special Orders to the Gate City Sanitation Authority and the Town of Chilhowie requiring both facilities to abate excessive infiltration/inflow and to either upgrade or replace the existing wastewater treatment facilities to meet VPDES effluent limitations. In response to the order, Gate City completed the infiltration/inflow work but failed to upgrade/replace the wastewater treatment facility. The Consent Special Order Amendment requires the Gate City Sanitation Authority, among other things, to : 1) formalize the inter-municipal agreement with Scott County, construct and connect to the regional plant by January, 2004; 2) meet assigned effluent limitations during the construction period, and 3) to pay a civil charge of \$4,725.

In response to the 1997 order issued to the Town of Chilhowie, Chilhowie commissioned preparation of plans and specifications, but due to extended delays in State Health Department approval, failed to construct the oxidation ditch facility. The Consent Special Order Amendment requires the Town of Chilhowie, among other things, to: 1) complete construction of the oxidation ditch facility by July 23, 2001, 2) abate excessive infiltration/inflow by July 23, 2001, 3) meet assigned effluent limitations during the construction phase, and 4) pay a civil charge of \$5,280.

**Board Decision**

Based on the staff recommendations, the Board unanimously voted to:

1. approve the Consent Special Order Amendments for:  
the Gate City Sanitation Authority and the Town of Chilhowie,
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violations of the Orders to the Attorney General's Office for appropriate legal action.

  
Michael D. Overstreet  
Regional Director





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**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT  
ITS MEETING ON SEPTEMBER 19, 2000**

**MINUTE NO. 11 - Consent Order Issuance/Amendments – King George Service Authority  
and Madison County School Board**

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented two proposed amended Consent Special Orders for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed amended Orders. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed amended Orders.

The first proposed amended Order is regarding the Dahlgren wastewater treatment plant ("WWTP") and provides the WWTP with interim limits for ammonia until the Prince William County Service Authority has completed the WWTP's upgrade and expansion on December 31, 2001.

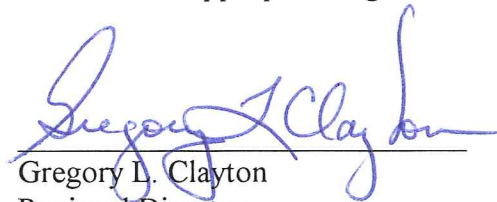
The second proposed amended Order is regarding the Madison County Elementary School, High School, and Primary School WWTPs and extends the WWTPs' connection date to the RSA-Madison sewage treatment plant from September 30, 2000, until February 28, 2001, and provides interim limits for ammonia until the connection is complete. The extension will allow the Madison County School Board to submit redesigned plans and specifications to the Virginia Department of Health for a new sewer line crossing location.

**Decision**

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed amended Consent Special Orders;

2. Authorize the Director or his designee to sign the amended Orders on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the amended Orders to the Attorney General's Office for appropriate legal action.



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Gregory L. Clayton  
Regional Director



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE NO. 12 - Consent Order Issuance/Civil Charges – Po River Water and Sewage Company

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented one proposed Consent Special Order with civil charges for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Order. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed Order.

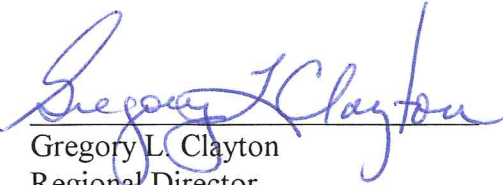
The Order is regarding the Indian Acres of Thornburg sewage treatment plant ("STP") and requires that Po River Water and Sewage Company upgrade the STP to comply with final effluent permit limits for ammonia, pay a civil charge of \$1,400.00, and provides interim limits for ammonia until the upgrade is complete.

#### Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Order;
2. Authorize the Director or his designee to sign the Order on the Board's behalf;  
and
3. Authorize the Director or his designee to refer violations of the Order to the

Attorney General's Office for appropriate legal action.

  
Gregory L. Clayton  
Regional Director





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### **MINUTE NO. 13      VRO Consent Special Orders Without Civil Charges**

Richard W. Anderson, Compliance and Enforcement Manager of the VRO, made a staff presentation and introduced the staff recommendations concerning proposed VRO Consent Special Orders without civil charges for the following facilities:

#### **Consent Special Orders without a Civil Charge**

##### **Mr. Clyde Moyers**

Mr. Clyde Moyers owns a residence and an auto repair shop located north of Lexington, Virginia. Both properties are served by a septic tank / sand filter type sewage treatment system which is configured to discharge into an unnamed tributary of Mill Creek. The treatment system was formerly regulated under the local health services LHS-120 permitting program. In 1992, regulatory jurisdiction over the Moyers system was referred to VRO by the local Health Department. At that time Mr. Moyers was advised that he would be required to apply for coverage under a VPDES permit. On November 23, 1999, staff of DEQ's Valley Regional Office inspected this sewage treatment system and found that it remains unpermitted and in use. DEQ issued a Notice of Violation to Mr. Moyers for an unpermitted wastewater discharge. The referenced properties now have access to the public sewer collection system owned by the Rockbridge Public Service Authority. The ability to connect to the PSA system precludes the existing system from receiving coverage under the general VPDES permit for domestic sewage discharges of less than 1,000 gallons per day. The proposed Order will provide a schedule for connection of the referenced properties to the PSA system and require closure of the existing treatment system.

## **The Town of New Market**

The Town of New Market owns and operates a water treatment plant serving the town, which is the subject of VPDES Permit No. VA0050741. The facility discharges to Smith Creek, Shenandoah River subbasin, and Potomac River basin. The Town of New Market is presently under a Consent Special Order which became effective on March 8, 1996. The 1996 Order was designed to address the Town's failure to construct facilities to meet final limitations contained in the permit. Under the 1996 Order, the Town was required to develop and connect various drinking water wells to a new water treatment plant in lieu of upgrading the Smith Creek water treatment plant, and to take the Smith Creek WTP offline. The Town was unable to complete all the actions required in the 1996 Order due to circumstances beyond their control. The proposed Order requires the Town to connect the water wells to the new water treatment plant and to close the old Smith Creek treatment plant.

## **Virginia Metalcrafters, Inc.**

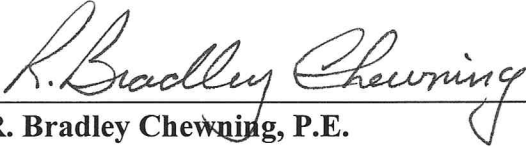
Virginia Metalcrafters is a manufacturing facility which discharges only stormwater into an unnamed tributary of the South River under an individual VPDES permit. The facility is the subject of Consent Orders issued in 1997 and 1998 which required corrective action to address toxicity present in the facility's stormwater discharge. The 1997 Order required the owner to complete specific modifications to the facility thought to be the source of the toxicity. Toxicity testing conducted under the 1998 Order demonstrated continuing stormwater toxicity problems and that Virginia Metalcrafters would not be able to meet the permit's final toxicity limit. Virginia Metalcrafters has identified its buffing dust collection room as a suspected source of contaminants which enter the facility's stormwater discharge. Virginia Metalcrafters has requested that DEQ issue the proposed Order to reflect Virginia Metalcrafters' proposal to install a wet scrubber on the buffing dust collection room as an additional toxicity reduction measure. Installation of the wet scrubber is expected to substantially change the characteristics of the facility's stormwater discharge thus allowing DEQ to convert permit coverage for the discharge from the current individual permit to a general VPDES stormwater permit. This approach reflects current guidance which acknowledges that effluent limits for stormwater are typically inappropriate in that technical justification for such limits is tenuous. In addition, site-specific stream surveys have not indicated any impacts from Virginia Metalcrafters' stormwater discharge. DEQ has provided Virginia Metalcrafters with a list of stormwater quality goals which would be applicable under the general permit and structured to effect continued stormwater toxicity reduction.

The public notice period for these three proposed Consent Orders has closed and no adverse public comment was received.

## **Board Decision**

Based on the staff presentation and recommendations, the Board unanimously voted to:

1. approve the Consent Special Orders without civil charges for Mr. Clyde Moyers, the Town of New Market and Virginia Metalcrafters, Inc.;
2. authorize the Director or his designee to sign the Orders on its behalf; and
3. authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.

  
**R. Bradley Chewing, P.E.**  
**Regional Director**  
**Valley Regional Office**





**COMMONWEALTH of VIRGINIA**  
*DEPARTMENT OF ENVIRONMENTAL QUALITY*

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD  
AT ITS MEETING ON SEPTEMBER 19, 2000**

**MINUTE NO. 14 - Consent Special Order Cancellations**

R. Bradley Chewning, Regional Director of the VRO, acting on behalf of all six Regions, introduced the staff recommendations concerning the proposed cancellation of 3 Consent Special Orders.

**Board Decision**

Based on the staff presentation and recommendations, the Board voted unanimously to approve cancellation of the Consent Special Orders for:

1. Bertrand E. Geddy, etc. (PRO);
2. Honeywell International, Inc. (PRO); and,
3. Blue Ridge Stone Corp. (VRO)

A handwritten signature in cursive script, reading "R. Bradley Chewning", written over a horizontal line.

**R. Bradley Chewning, P.E.**  
**Regional Director**  
**Valley Regional Office**



**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL  
BOARD MEETING AT ITS MEETING ON SEPTEMBER 19, 2000**

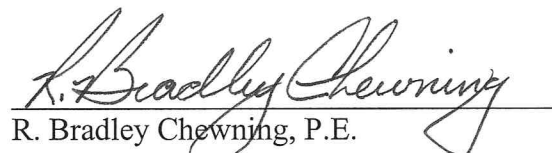
**MINUTE NO. 15 – Permit Termination**

R. Bradley Chewning, Director of the Department of Environmental Quality's Valley Regional Office, introduced the staff recommendation concerning the termination of two permits.

**Board Decision**

Based on the briefing materials and the staff presentation and recommendation, the Board voted unanimously to approve the termination of the following permits:

Rockingham County Schools, VA0022520 (Fulks Run Elementary School)  
Norfolk Dredging Company, VA0067113

  
R. Bradley Chewning, P.E.  
Regional Director  
Valley Regional Office

Note: The correct permit number for Rockingham  
County Schools' permit is VA0022420. *C.M. Berndt*



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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### Minute No. 16 – Public Forum

Ms. Patricia Jackson of the James River Association appeared during the public forum to discuss several issues. She requested that the Board establish several advisory committees to address the concerns. One of the advisory committees would look at how to address cross-media and cumulative impacts of decisions of the Air, Waste and Water Boards. Ms. Jackson explained that one of the purposes of establishing the Department was to look at cross-media and cumulative impacts, but that little progress had been made in those areas.

Ms. Jackson also suggested that advisory committees be established to address the long-range planning responsibilities of the Department and to increase involvement of the public in the Board's activities.

Finally, Ms. Jackson asked that the Board look at the financial resources of the Department. She expressed concern that the Department's resources were insufficient to address, among other things, the court-imposed mandate for development of total maximum daily loads.

  
Cindy M. Berndt





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### EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### MINUTE 17 - Development of Virginia's FY 2001 Wastewater Revolving Loan Funding List

Mr. Donald Wampler, Program Manager of the Board's Construction Assistance Program, made a presentation to the Board based on a staff memorandum dated September 1, 2000 regarding the development of Virginia's FY 2001 wastewater revolving loan project funding list and IUP.

Mr. Wampler began by referencing the attachments included with the staff's memorandum that provided the Board with a description of the projects being considered and presented the FY 2001 applicants in priority funding order for Board consideration.

He noted that the Board had received 23 loan requests from 14 jurisdictions requesting a total of approximately \$125 million in loan assistance for FY 2001. He explained that 4 of the potential FY 2001 projects (one of the application from Culpeper, two of HRSD's request, and the application from Powhatan) indicated they would not move to the construction stage in calendar year 2001 and could not utilize FY 2001 funding. The project schedules called for these four applicants to be bypassed in this funding cycle. He also indicated that Hanover County had withdrawn its application from FY 2001 consideration. He explained that with the 4 application deferrals and Hanover County's application withdrawal, Virginia's FY 2001 project loan need has been lowered to \$75 million.

He concluded his presentation noting that the staff believes that sufficient unobligated funds would be available during FY 2001, giving the Board the option to return to its direct loan program and to consider funding for the 18 projects request that remain on Virginia's FY 2001 loan consideration list.

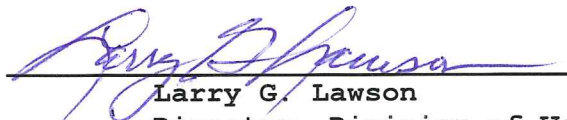
Board Decision

Following discussion, the Board voted unanimously to:

Target the following localities for loan assistance from anticipated funds and authorize the staff to present the Board's FY 2001 loan funding list for public comment.

FY 2001 VWRLF Funding List

APPLICANT	TARGED FUNDING
1. City of Lynchburg	\$ 1,855,400
2. City of Richmond	\$ 5,000,000
3. Fairfax County	\$40,000,000
4. Town of Stanley	\$ 575,000
5. Wythe County	\$ 200,000
6. Town of Culpeper	\$ 1,750,000
7. Town of Rocky Mount	\$ 3,102,542
8. Campbell County	\$ 1,005,800
9. City of Newport News	\$ 3,200,000
10. HRSD-Incinerators	\$ 3,350,000
11. HRSD-Boat Harbor Plant	\$ 995,000
12. HRSD-Army Base Plant	\$ 2,012,000
13. HRSD-Lambert Point Plant	\$ 2,700,600
14. HRSD-York River Plant	\$ 1,899,352
15. HRSD-Atlantic Plant	\$ 1,782,000
16. HRSD-James River Plant	\$ 1,238,700
17. Amelila County	\$ 650,190
18. Town of Keysville	\$ 3,787,300
TOTAL REQUEST	\$75,103,484

  
Larry G. Lawson  
Director, Division of Water  
Program Coordination



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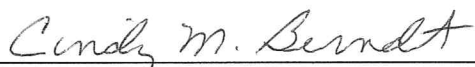
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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### Minute No. 18 – CASRAM REPORT

Mr. Fox from CASRAM appeared to brief the Board on the activities of CASRAM to develop treatment and testing methodologies for TBT. Mr. Fox explained the methodology developed by CASRAM and the success of the methodology in the laboratory, under controlled conditions, and in the field. In addition, Mr. Fox advised the Board that while CASRAM had had some successes, there was more work to be done and detailed CASRAM's future plans.

The Board thanked CASRAM for the report and for their efforts so far. In addition, Dr. Van Auken urged that CASRAM proceed as expeditiously as possible to acquire approval of the new analytical method for the determination of tributyltin compounds (TBT) by the U.S. Environmental Protection Agency.

  
Cindy M. Berndt





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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### Minute No. 19 – Commendation

Mr. Dennis Treacy, Director of the Department of Environmental Quality, informed the Board that Ms. Deborah Love Feild, Assistant Attorney General, had accepted a new position with the Attorney General's Office. Mr. Treacy advised the Board that this would be Ms. Feild's last meeting as counsel to the Board and that over the years she had been counsel to the Air and Waste Boards as well.

Mr. Treacy took the opportunity to thank Ms. Feild for her years of service to all the boards.

The Board expressed their best wishes to Ms. Feild on her new endeavor. In addition, the Board unanimously commended Ms. Feild for her contributions to the State Water Control Board and years of service.

  
\_\_\_\_\_  
Cindy M. Berndt



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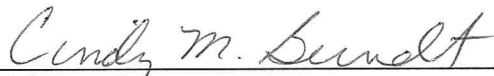
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### EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON SEPTEMBER 19, 2000

#### Minute No. 20 – Future Meetings

The Board confirmed October 19, 2000 as the date of a special meeting and tentatively set December 13, 2000 as the date of their next regular meeting.

  
Cindy M. Berndt